

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

CINDY HALABURDA, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

BAUER PUBLISHING CO., LP, a
Delaware partnership,

Defendant.

Case No. 12-cv-12831

Hon. George C. Steeh
Magistrate Judge R. Steven Whalen

**MOTION FOR EXTENSION OF TIME TO
RESPOND TO COMPLAINT AND TO FILE OVERSIZE BRIEF**

1. Plaintiff Cindy Halaburda (“Plaintiff”) filed a complaint in this putative class action against defendant Bauer Publishing Co., LP (“Defendant”) on or about August 23, 2012 (the “Complaint”). Defendant plans to move to dismiss Plaintiff’s Complaint.
2. Defendant’s response to the Complaint is currently due on November 26, 2012. Defendant requests an additional week until December 3, 2012 to respond to the Complaint.
3. Plaintiff’s lawyers have brought nearly identical suits against other magazine publishers based on purported violations of Michigan’s Video Rental Privacy Act, M.C.L. § 445.1712, *et seq.*, and state common law claims.¹ The first filed action is *Halaburda v. Bauer Publishing Co., LP*, Case No. 12-cv-12831 pending before Your Honor.² The second filed case is *Grenke v. Hearst Commc’ns, Inc.*, Case No. 2:12-CV-14221 pending before the Honorable

¹ Some of the complaints have different state law claims.

² The case was originally brought by a different plaintiff on or about June 27, 2012, and was assigned to Judge Ludington. The case was reassigned to Judge Steeh on or about October 1, 2012.

David M. Lawson. The third filed case is *Fox v. Time, Inc.*, Case No. 2:12-CV-14390 which was recently reassigned to the Honorable Gershwin A. Drain. The lawyers brought a fourth suit, *Fox v. Conde-Nast Publ'ns*, Case No. 2:12-CV-14212-GCS-MKM, on behalf of a plaintiff with the same name as the plaintiff in the *Time* action, Susan Fox, but voluntarily dismissed the action a few days before they filed the complaint in the *Time* action.

4. The response to the *Time* case is due on December 3, 2012, and the responses to the *Hearst* and *Bauer* complaints are due on November 26, 2012.

5. The Davis Wright Tremaine and Honigman Miller firms were retained to represent the defendants in all of these cases. Counsel for all parties agree that it would be beneficial to have these cases on the same schedule, and have worked to coordinate the efficient handling of these cases.

6. The Parties also propose the following briefing schedule and extension of page limitations set forth in Local Rule 5.1 (for all of the cases), subject to this Court's approval:

- a. The opening memorandum of law shall be no longer than 30 pages, and submitted on or before December 3, 2012;
- b. The opposition memorandum of law shall be no longer than 30 pages and submitted on or before January 18, 2013; and
- c. The reply memorandum of law shall be no longer than 15 pages and submitted on or before February 8, 2013.

7. In accordance with Local Rule 7.1 we represent that counsel for Plaintiff concurs in the relief requested.

Dated: November 21, 2012

By: /s/ Robert M. Jackson
Robert M. Jackson (P40723)
Herschel P. Fink (P13427)
Honigman Miller Schwartz and Cohn, LLP
660 Woodward Avenue
2290 First National Building
Detroit, MI 48226
(313) 465-7400
hfink@honigman.com

Sharon L. Schneier (*admitted pro hac vice*)
Collin J. Peng-Sue (*admitted pro hac vice*)
DAVIS WRIGHT TREMAINE LLP
1633 Broadway – 27th Floor
New York, New York 10019
Telephone: (212) 489-8230
Facsimile: (212) 489-8340
sharonschneier@dwt.com
collinpengsue@dwt.com

*Attorneys for Defendant Hearst
Communications, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2012, I electronically filed the foregoing Motion for Extension of Time to Respond to Complaint and to File Oversize Brief with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

/s/ Robert M. Jackson

HONIGMAN MILLER SCHWARTZ AND COHN LLP
2290 First National Building
660 Woodward Avenue
Detroit, MI 48226-3506
(313) 465-7430 (phone)
(313) 465-7431 (fax)
rjackson@honigman.com
(P40723)

11706905.1